

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION**

JOHN WESLEY GREEN,

Plaintiff,

v.

**METROPOLITAN GOVERNMENT OF
NASHVILLE AND DAVIDSON COUNTY,**

Defendant/Third Party Plaintiff,

v.

**BOULT, CUMMINGS, CONNERS &
BERRY, PLC, and CHAMPS-ELYSEES
INC.,**

Third Party Defendants.

**No. 3:06-1216
JUDGE ECHOLS**

ORDER

For the reasons explained in the Memorandum entered contemporaneously herewith, the Court rules as follows:

(1) The Motion to Dismiss (Docket Entry No. 30) filed by Defendant Metropolitan Government of Nashville And Davidson County is hereby GRANTED;

(2) Third-Party Defendant's Motion To Dismiss Or, In The Alternative, To Stay Proceedings (Docket Entry No. 33) is hereby GRANTED IN PART and DENIED IN PART. The Motion To Dismiss is GRANTED; the alternative Motion to Stay Proceedings is DENIED AS MOOT;

(3) Plaintiff John Wesley Green's Motion For Summary Judgment (Docket Entry No. 44) is hereby DENIED AS MOOT;

(4) Defendant Metropolitan Government's Motion To Strike Plaintiff's Statement of Undisputed Facts (Docket Entry No. 61) is hereby DENIED AS MOOT;

(5) Defendant Metropolitan Government's Motion For Summary Judgment (Docket Entry No. 84), concerning the claims Plaintiff brought against Defendant, is hereby DENIED AS MOOT;

(6) Third-Party Defendant's Motion For Summary Judgment (Docket Entry No. 87) is hereby DENIED AS MOOT;

(7) Defendant Metropolitan Government's Motion For Summary Judgment (Docket Entry No. 88), concerning its claims against Third-Party Defendant, is hereby DENIED AS MOOT;

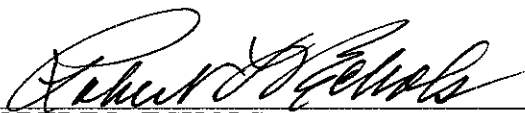
(8) Plaintiff's appeal from the December 3, 2007 Order of the Magistrate Judge (Docket Entry No. 76) is hereby DENIED AS MOOT;

(9) Plaintiff's Motion To Accept Memorandum As Filed, Or In The Alternative, Allow Filing of Amended Memorandum (Docket Entry No. 102) is hereby DENIED AS MOOT;

(10) This case is hereby DISMISSED. Plaintiff's claims brought against Metropolitan Government under 42 U.S.C. § 1983 are hereby DISMISSED WITH PREJUDICE. Plaintiff's state-law claim against Metropolitan Government for false return is hereby DISMISSED WITHOUT PREJUDICE for lack of supplemental jurisdiction. Metropolitan Government's indemnity claim against Third-Party Defendant Boulton, Cummings, Connors and Berry PLC predicated on Plaintiff's § 1983 claims is hereby DISMISSED WITH PREJUDICE. Metropolitan Government's indemnity claim against Third-Party Defendant Boulton, Cummings, Connors and Berry PLC predicated on Plaintiff's state-law false return claim is hereby DISMISSED WITHOUT PREJUDICE for lack of supplemental jurisdiction.

(11) Entry of this Order on the docket shall constitute entry of final Judgment in accordance with Federal Rules of Civil Procedure 58 and 79(a)

It is so ORDERED.


ROBERT L. ECHOLS
UNITED STATES DISTRICT JUDGE